



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David A. Miceli
Serial No.: 10/753,971
Filed: January 8, 2004
For: Shellable Child Resistant Closure Container With Positive
Lock Mechanism
Group No. Not yet assigned
Attorney's Docket No. N1040-ICW
Customer No. 23456

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.56, applicant hereby calls to the attention of the Patent and Trademark Office the following patents and other documents which are listed on attached Form PTO-1449.

This Information Disclosure Statement is being filed within three months of filing date of the above-referenced application.

1. U.S. Patent No. 316,039 issued April 9, 1991, to Donald J. Sykes, et al.
2. U.S. Patent No. 329,809 issued September 29, 1992, to John I. Bloomfield.
3. U.S. Patent No. 374,821 issued October 22, 1996, to Gustav E. Johnson.
4. U.S. Patent No. 399,743 issued October 20, 1998, to Dean G. Coon, et al.
5. U.S. Patent No. 942,141 issued December 7, 1909, to Hoffman.
6. U.S. Patent No. 1,435,723 issued November 14, 1922, to E.J. Mayer.

7. U.S. Patent No. 2,054,031 issued September 8, 1936, to B.F. Conner, et al.

8. U.S. Patent No. 3,344,942 issued October 3, 1967, to P. Hedgewick.

9. U.S. Patent No. 3,399,796 issued September 3, 1968, to M. Steiner.

10. U.S. Patent No. 3,435,975 issued April 1, 1969, to B. Weigand.

11. U.S. Patent No. 3,445,022 issued May 20, 1969, to F.A. Cilluffo.

12. U.S. Patent No. 3,557,985 issued January 26, 1971, to Marcel Louis St. Denis.

13. U.S. Patent No. 3,612,324 issued October 12, 1971, to Dell M. Malick.

14. U.S. Patent No. 3,627,160 issued December 14, 1971, to William Horvath, et al.

15. U.S. Patent No. 3,669,295 issued June 13, 1972, to William Horvath.

16. U.S. Patent No. 3,690,495 issued September 28, 1970, to Lloyd S. Turner.

17. U.S. Patent No. 3,782,574 issued January 1, 1974, to Roy William Rumble.

18. U.S. Patent No. 3,795,338 issued March 5, 1974, to Peter T. Swartzbaugh, et al.

19. U.S. Patent No. 3,812,989 issued May 28, 1974, to William Horvath.

20. U.S. Patent No. 3,836,034 issued September 17, 1974, to Frank H. Lecinski, Jr.

21. U.S. Patent No. 3,865,267 issued February 11, 1975, to Geln H. Morris.

22. U.S. Patent No. 3,871,662 issued March 18, 1975, to K. Kevin Hepp, et al.

23. U.S. Patent No. 3,907,145 issued September 23, 1975, to William Horvath.

24. U.S. Patent No. 3,951,289 issued April 20, 1976, to William James Landen.

25. U.S. Patent No. 4,006,836 issued February 8, 1977, to Lewis A. Micallef.

26. U.S. Patent No. 4,011,960 issued March 15, 1977, to Yves Mauvernay, et al.

27. U.S. Patent No. 4,071,156 issued January 31, 1978, to Allen D. Lowe.

28. U.S. Patent No. 4,087,016 issued May 2, 1978, to Edward Johnson Towns, et al.

29. U.S. Patent No. 4,095,718 issued June 20, 1978, to Cheung Tung Kong.

30. U.S. Patent No. 4,103,797 issued August 1, 1978, to Glenn H. Morris.

31. U.S. Patent No. 4,105,132 issued August 8, 1978, to Frederick D. Keeler.

32. U.S. Patent No. 4,117,945 issued October 3, 1978, to George V. Mumford.

33. U.S. Patent No. 4,223,793 issued September 23, 1980, to John S. Patton.

34. U.S. Patent No. 4,223,794 issued September 23, 1980, to Glenn H. Morris.

35. U.S. Patent No. 4,271,971 issued June 9, 1981, to Glenn H. Morris.

36. U.S. Patent No. 4,281,771 issued August 4, 1981, to Craig S. Siegel.

37. U.S. Patent No. 4,285,437 issued August 25, 1981, to Glenn H. Morris.

38. U.S. Patent No. 4,334,638 issued June 15, 1982, to Hugh J. Stock.

39. U.S. Patent No. 4,346,809 issued August 31, 1982, to Maximillian Kusz.
40. U.S. Patent No. 4,375,859 issued March 8, 1983, to William E. Fillmore.
41. U.S. Patent No. 4,387,821 issued June 14, 1983, to Reinold Geiger.
42. U.S. Patent No. 4,406,376 issued September 27, 1983, to Walter G.

Berghahn.

43. U.S. Patent No. 4,413,742 issued November 9, 1983, to Jeffrey

Sandhaus.

44. U.S. Patent No. 4,433,789 issued February 28, 1984, to Kenneth J.

Gibilisen.

45. U.S. Patent No. 4,452,364 issued June 5, 1984, to Ronald D. Kay.

46. U.S. Patent No. 4,469,233 issued September 4, 1984, to Stanley C.

Wegscheid.

47. U.S. Patent No. 4,511,051 issued April 16, 1985, to Kirit C. Desai.

48. U.S. Patent No. 4,520,938 issued June 4, 1985, to Robert G. Finke.

49. U.S. Patent No. 4,526,281 issued July 2, 1985, to James E. Herr.

50. U.S. Patent No. 4,553,678 issued November 19, 1985, to Arden L.

Thorshakken.

51. U.S. Patent No. 4,613,051 issued September 23, 1986, to Peter T.

Swartzbaugh.

52. U.S. Patent No. 4,669,620 issued June 2, 1987, to Daniel Coifman.

53. U.S. Patent No. 4,676,388 issued June 30, 1987, to Yasuyuki Kuboshima.

54. U.S. Patent No. 4,687,112 issued August 18, 1987, to Peter T.

Swartzbaugh.

55. U.S. Patent No. 4,694,968 issued September 22, 1987, to John D. Proctor,
et al.

56. U.S. Patent No. 4,729,487 issued March 8, 1988, to Frank S. Wright.

57. U.S. Patent No. 4,752,013 issued June 21, 1988, to Jack V. Miller, et al.

58. U.S. Patent No. 4,752,014 issued June 21, 1988, to Randall F. House, et
al.

59. U.S. Patent No. 4,790,444 issued December 13, 1988, to Dario Terzi.

60. U.S. Patent No. 4,823,967 issued April 25, 1989, to Mortimer S.
Thompson.

61. U.S. Patent No. 4,832,218 issued May 23, 1989, to Kenneth Gibilisco.

62. U.S. Patent No. 4,854,459 issued August 8, 1989, to Antonio R. DeJonge.

63. U.S. Patent No. 4,991,729 issued February 12, 1991, to Robert M.
Hunter.

64. U.S. Patent No. 4,998,632 issued March 12, 1991, to Genn H. Morris, Sr.

65. U.S. Patent No. 5,118,928 issued May 26, 1992, to Archie G. Drummond,
Jr.

66. U.S. Patent No. 5,190,178 issued March 2, 1993, to Daniel Luch.

67. U.S. Patent No. 5,234,118 issued August 10, 1993, to William E.
Fillmore.

68. U.S. Patent No. 5,246,123 issued September 21, 1993, to Steven G.
Kramer, et al.

69. U.S. Patent No. 5,317,796 issued June 7, 1994, to Robert M. Hunter.

70. U.S. Patent No. 5,372,267 issued December 13, 1994, to Richard W. Hofmann.

71. U.S. Patent No. 5,449,077 issued September 12, 1995, to David Seidler.

72. U.S. Patent No. 5,449,078 issued September 12, 1995, to Edward G. Akers.

73. U.S. Patent No. 5,460,281 issued October 24, 1995, to Thomas P. Rapchak, et al.

74. U.S. Patent No. 5,464,110 issued November 7, 1995, to Richard G. Heyworth.

75. U.S. Patent No. 5,579,933 issued December 3, 1996, to Richard W. Hofmann.

76. U.S. Patent No. 5,579,934 issued December 3, 1996, to Caetano Boono.

77. U.S. Patent No. 5,603,421 issued February 18, 1997, to Ovidiu Oprea.

78. U.S. Patent No. 5,636,756 issued June 10, 1997, to Gustav E. Johnson.

79. U.S. Patent No. 5,671,853 issued September 30, 1997, to James Ellis Berr.

80. U.S. Patent No. 5,687,863 issued November 18, 1997, to Maximillian Kusz.

81. U.S. Patent No. 5,706,963 issued January 13, 1998, to Frank V. Gargione.

82. U.S. Patent No. 5,711,442 issued January 27, 1998, to Maximillian Kusz.

83. U.S. Patent No. 5,722,546 issued March 3, 1998, to Marc Briere.

84. U.S. Patent No. 5,769,252 issued June 23, 1998, to Anthony S. Volpe.

85. U.S. Patent No. 5,791,515 issued August 11, 1998, to Shan Y. Khan, et al.

86. U.S. Patent No. 5,819,967 issued October 13, 1998, to Julian B. Lo.

87. U.S. Patent No. 5,819,968 issued October 13, 1998, to William Thomas Jones.

88. U.S. Patent No. 5,836,465 issued November 17, 1998, to Roger M. King.

89. U.S. Patent No. 5,865,330 issued February 2, 1999, to Caetano Buono.

90. U.S. Patent No. 5,889,348 issued March 30, 1999, to Uwe Muhlberger, et al.

91. U.S. Patent No. 5,924,588 issued July 20, 1999, to V. Jack Brennan.

92. U.S. Patent No. 5,927,532 issued July 27, 1999, to Donald A. Traub.

93. U.S. Patent No. 5,934,493 issued August 10, 1999, to William Thomas Jones.

94. U.S. Patent No. 5,988,413 issued November 23, 1999, to Robert C. Nagel.

95. U.S. Patent No. 6,082,565 issued July 4, 2000, to John E. Harrold.

96. U.S. Patent No. 6,446,823 issued September 10, 2002, to David A. Miceli, et al.

97. U.S. Patent No. 6,523,709 issued February 25, 2003, to David A. Miceli, et al.

98. European Patent EP 0792818 A1 issued to Maximilliam Kusz.

99. Germany Patent No. 25 33 230 issued February 10, 1977.

100. PCT WO 90/04546 issued May 3, 1990.

101. United Kingdom Patent GB 2 182 649 A issued May 20, 1987.

102. France Patent No. 2 471 329 issued June 19, 1981.

103. International Search Report, PCT/US01/06103, 27 February 2001

104. Written Opinion PCT/US01/06103, Jan. 22, 2002.

Copies of the listed documents are attached.

For foreign references, English translations of non-English documents are enclosed. Various foreign references were not available to Applicant in the English translation at the time this Information Disclosure Statement was due and was therefore submitted in the original translation.

Applicant respectfully requests that these references be considered by the Examiner and made of record as part of the "available prior art" under 37 C.F.R. §1.104.

The Commissioner is authorized to charge any deficiency or credit any overpayment in connection with this Information Disclosure Statement to Deposit Account No. 23-0035.

Respectfully submitted,


I.C. Wadley, Jr.

Registration No. 25,180

WADDEY & PATTERSON

A Professional Corporation

Customer No. 23456

ATTORNEY FOR APPLICANT

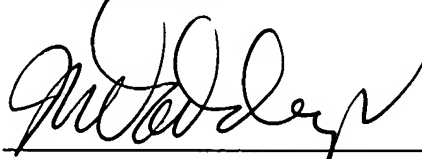
I.C. Wadley, Jr.
Wadley & Patterson
414 Union Street, Suite 2020
Bank of America Plaza
Nashville, TN 37219
(615) 242-2400



CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 12, 2004.

I.C. Wadley, Jr.



Registration No. 25,180

4/12/04

Date



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Comparable to
Form PTO-1449U.S. Department of Commerce
Patent & Trademark OfficeINFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Atty. Docket No.

N1040-ICW
Customer No. 23456

Serial No.

10/753,971

Applicant

David A. Miceli

Filing Date

January 8, 2004

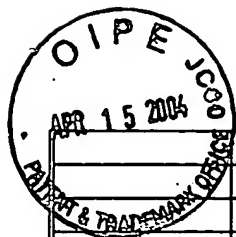
Group

Not yet assigned

Examiner Initial	Document No.	Date	Name	Class	Subclass	Filing Date If Appropriate
	316,039	April 9, 1991	Donald J. Sykes, et al	9	436	
	329,809	September 29, 1992	John I. Bloomfield	9	443	
	374,821	October 22, 1996	Gustav E. Johnson	9	447	
	399,743	October 20, 1998	Dean G. Coon, et al	9	443	
	942,141	December 7, 1909	Hoffman			
	1,435,723	November 14, 1922	E.J. Mayer			
	2,054,031	September 8, 1936	B.F. Conner, et al	215	7	
	3,344,942	October 3, 1967	P. Hedgewick	215	9	
	3,399,796	September 3, 1968	M. Steiner	215	9	
	3,435,975	April 1, 1969	B. Weigand	215	9	
	3,445,022	May 20, 1969	F.A. Cilluffo	215	9	
	3,557,985	January 26, 1971	Marcel Louis St. Denis	215	9	
	3,612,324	October 12, 1971	Dell M. Malick	215	9	
	3,627,160	December 14, 1971	William Horvath, et al	215	9	
	3,669,295	June 13, 1972	William Horvath	215	9	
	3,690,495	September 28, 1970	Lloyd S. Turner	215	9	
	3,782,574	January 1, 1974	Roy William Rumble	215	9	
	3,795,338	March 5, 1974	Peter T. Swartzbaugh, et al	215	9	
	3,812,989	May 28, 1974	William Horvath	215	9	
	3,836,034	September 17, 1974	Frank H. Lecinski, Jr.	215	9	
	3,865,267	February 11, 1975	Gelnn H. Morris	215	206	
	3,871,662	March 18, 1975	K. Kevin Hepp, et al	215	223	
	3,907,145	September 23, 1975	William Horvath	215	206	
	3,951,289	April 20, 1976	William James Landen	215	211	
	4,006,836	February 8, 1977	Lewis A. Micallef	215	218	
	4,011,960	March 15, 1977	Yves Mauvernay, et al	215	220	
	4,071,156	January 31, 1978	Allen D. Lowe	215	224	
	4,087,016	May 2, 1978	Edward Johnson Towns, et al	215	211	
	4,095,718	June 20, 1978	Cheung Tung Kong	215	223	
	4,103,797	August 1, 1978	Glenn H. Morris	215	209	
	4,105,132	August 8, 1978	Frederick D. Keeler	215	216	



	4,117,945	October 3, 1978	George V. Mumford	215	216	
	4,223,793	September 23, 1980	John S. Patton	215	220	
	4,223,794	September 23, 1980	Glenn H. Morris	215	220	
	4,271,971	June 9, 1981	Glenn H. Morris	215	220	
	4,281,771	August 4, 1981	Craig S. Siegel	215	220	
	4,285,437	August 25, 1981	Glenn H. Morris	215	220	
	4,334,638	June 15, 1982	Hugh J. Stock	222	153	
	4,346,809	August 31, 1982	Maximillian Kusz	215	214	
	4,375,859	March 8, 1983	William E. Fillmore	215	223	
	4,387,821	June 14, 1983	Reinold Geiger	215	330	
	4,406,376	September 27, 1983	Walter G. Berghahn	215	224	
	4,413,742	November 9, 1983	Jeffrey Sandhaus	215	216	
	4,433,789	February 28, 1984	Kenneth J. Gibilisen	215	220	
	4,452,364	June 5, 1984	Ronald D. Kay	215	253	
	4,469,233	September 4, 1984	Stanley C. Wegscheid	215	230	
	4,511,051	April 16, 1985	Kirit C. Desai	215	225	
	4,520,938	June 4, 1985	Robert G. Finke	215	220	
	4,526,281	July 2, 1985	James E. Herr	215	211	
	4,553,678	November 19, 1985	Arden L. Thorshakken	215	218	
	4,613,051	September 23, 1986	Peter T. Swartzbaugh	215	225	
	4,669,620	June 2, 1987	Daniel Coifman	215	220	
	4,676,388	June 30, 1987	Yasuyuki Kuboshima	215	217	
	4,687,112	August 18, 1967	Peter T. Swartzbaugh	215	216	
	4,694,968	September 22, 1987	John D. Proctor, et al	215	224	
	4,729,487	March 8, 1988	Frank S. Wright	215	220	
	4,752,013	June 21, 1988	Jack V. Miller, et al	215	216	
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	4,790,444	December 13, 1988	Dario Terzi	220	90.2	
	4,823,967	April 25, 1989	Mortimer S. Thompson	215	222	
	4,832,218	May 23, 1989	Kenneth Gibilisco	215	220	
	4,854,459	August 8, 1989	Antonio R. DeJonge	215	220	
	4,991,729	February 12, 1991	Robert M. Hunter	215	206	
	4,998,632	March 12, 1991	Genn H. Morris, Sr.	215	201	
	5,118,928	May 26, 1992	Archie G. Drummond, Jr.	215	219	
	5,190,178	March 2, 1993	Daniel Luch	215	256	
	5,234,118	August 10, 1993	William E. Fillmore	215	220	
	5,246,123	September 21, 1993	Steven G. Kramer, et al	215	220	
	5,317,796	June 7, 1994	Robert M. Hunter	29	434	
	5,372,267	December 13, 1994	Richard W. Hofmann	215	220	
	5,449,077	September 12, 1995	David Seidler	215	216	
	5,449,078	September 12, 1995	Edward G. Akers	215	222	
	5,460,281	October 24, 1995	Thomas P. Rapchak, et al	215	216	



	5,464,110	November 7, 1995	Richard G. Heyworth	215	223	
	5,579,933	December 3, 1996	Richard W. Hofmann	215	220	
	5,579,934	December 3, 1996	Caetano Boono	215	230	
	5,603,421	February 18, 1997	Ovidiu Oprea	215	217	
	5,636,756	June 10, 1997	Gustav E. Johnson	215	206	
	5,671,853	September 30, 1997	James Ellis Berr	215	216	
	5,687,863	November 18, 1997	Maximilian Kusz	215	216	
	5,706,963	January 13, 1998	Frank V. Gargione	215	219	
	5,711,442	January 27, 1998	Maximilian Kusz	215	209	
	5,722,546	March 3, 1998	Marc Briere	215	216	
	5,769,252	June 23, 1998	Anthony S. Volpe	215	221	
	5,791,515	August 11, 1998	Shan Y. Khan, et al	221	154	
	5,819,967	October 13, 1998	Julian B. Lo	215	206	
	5,819,968	October 13, 1998	William Thomas Jones	215	222	
	5,836,465	November 17, 1998	Roger M. King	215	216	
	5,865,330	February 2, 1999	Caetano Buono	215	216	
	5,889,348	March 30, 1999	Uwe Muhlberger, et al	310	218	
	5,924,588	July 20, 1999	V. Jack Brennan	220	23.8	
	5,927,532	July 27, 1999	Donald A. Traub	215	342	
	5,934,493	August 10, 1999	William Thomas Jones	215	222	
	5,988,413	November 23, 1999	Robert C. Nagel	215	216	
	6,082,565	July 4, 2000	John E. Harrold	215	218	
	6,446,823	September 10, 2002	David A. Miceli, et al	215	228	
	6,523,709	February 25, 2003	David A. Miceli, et al	215	228	

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	0 792 818 A1	March 1997	EPO			Yes
	25 33 230	February 10, 1977	Germany			No
	WO 90/04546	May 3, 1990	PCT			No
	2 182 649	May 20, 1987	United Kingdom			No
	2 471 329	June 19, 1981	France			No

MISCELLANEOUS DOCUMENTS

	International Search Report, PCT/US01/06103, 27 February 2001
	Written Opinion PCT/US01/06103, Jan. 22, 2002.

Examiner:

Date Considered

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.